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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,263	05/10/2001	Manuel Gonzalez	60006758-1	5454

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EXAMINER

LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/852,263	GONZALEZ ET AL.	
	Examiner	Art Unit	
	Twyler M. Lamb	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakata (US 6,222,949).

With regard to claims 1 and 18, Nakata discloses a method for selecting a printed image size comprising steps of: receiving an image; calculating a range of image sizes for printing said image based on a plurality of factors; and selecting at least one of said image sizes in said range for printing said image (col 1, line 66 – col 2, line 27; col 12, lines 60-64).

With regard to claims 2, 13 and 19, Nakata discloses further comprising steps of: receiving a user-preferred image size; and determining whether said user-preferred image size is within said range (col 1, line 66 – col 2, line 27).

With regard to claims 3, 14 and 20, Nakata discloses wherein said step of selecting further comprises steps of: selecting said user-preferred image size for printing said image in response to said user-preferred image size being within said range; and selecting said at least one of said image sizes in said range for printing said image in response to said user-preferred image size falling outside of said range (col 1, line 66 – col 2, line 27).

With regard to claims 9 and 15, Nakata discloses wherein said plurality of factors includes one or more of resolution, aspect ratio, number of pixels per inch of a printed image, and image orientation (col 1, line 66 – col 2, line 27).

With regard to claim 10, Nakata discloses wherein said steps in said method are performed by a program stored in a computer readable medium (col 1, line 66 – col 2, line 27).

With regard to claims 11 and 16, Nakata discloses wherein said calculating step further includes a step of calculating a range of image sizes for printing said image on at least A3 sized paper medium (col 1, line 66 – col 2, line 27).

With regard to claims 12 and 17, Nakata discloses a method for printing an image comprising steps of: receiving an image; calculating a range of image sizes for printing said image based on a plurality of factors; and printing said image in a size in said range (col 1, line 66 – col 2, line 27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-8 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata (US 6,222,949) in view of Young (US 6,587,221).

With regard to claim 4, Nakata does not specifically teach wherein said step of calculating further comprises steps of: determining an aspect ratio of said image; and calculating said range, whereby an image printed in each of said sizes in said range has aspect ratio approximately equal to an aspect ratio of said received image.

Young discloses a scanning device that includes wherein said step of calculating further comprises steps of: determining an aspect ratio of said image; and calculating said range, whereby an image printed in each of said sizes in said range has aspect ratio approximately equal to an aspect ratio of said received image (col 10, line 54 – col 11, line 60).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nakata to include wherein said step of calculating further comprises steps of: determining an aspect ratio of said image; and calculating said range, whereby an image printed in each of said sizes in said range has aspect ratio approximately equal to an aspect ratio of said received image as taught by Young.

Art Unit: 2622

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nakata by the teaching of Young to maintain the aspect ratio as taught by Young in col 10, lines 54-65.

With regard to claim 5, Nakata discloses wherein said step of calculating further comprises steps of: determining a resolution of said received image, determining a resolution of a printer printing said image, correlating said resolution of said received image and said printer; and calculating said sizes in said range, whereby an image printed in each of said sizes in said range has a resolution associated with said correlated resolution (col 1, line 66 – col 2, line 27).

With regard to claim 6, Nakata discloses wherein said step of calculating further comprises a step of calculating said sizes in said range, whereby an image printed in each of said sizes in said range has a number of pixels that is greater than a predetermined minimum number of pixels and less than a predetermined maximum number of pixels (col 1, line 66 – col 2, line 27).

With regard to claim 7, Nakata discloses wherein said step of calculating further comprises steps of: determining an orientation of said received image; and calculating said sizes in said range, whereby an image printed in each of said sizes in said range has said orientation of said received image (col 1, line 66 – col 2, line 27).

With regard to claim 8, Nakata discloses wherein said orientation includes one of landscape and portrait (col 1, line 66 – col 2, line 27).

With regard to claim 21, Nakata does not specifically teach wherein said interface includes a network interface.

Young discloses a scanning device that includes wherein said interface includes a network interface (col 3, lines 51-62).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nakata to include wherein said interface includes a network interface as taught by Young. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nakata by the teaching of Young to maintain the connect to a network to provide remote printing as taught by Young in col 3, lines 51-62.

With regard to claim 22, Nakata does not specifically teach wherein said interface includes a user input device.

Young discloses a scanning device that includes wherein said interface includes a user input device (col 4, lines 19-25).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nakata to include wherein said interface includes a user input device as taught by Young. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Nakata by the teaching of Young to maintain the connect to be able to input data and specifications as taught by Young in col 4, lines 19-25.

Response to Arguments


5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2622

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler M. Lamb whose telephone number is 571-272-7406. The examiner can normally be reached on Mon, Tues and Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Twyler M. Lamb
Primary Examiner
Art Unit 2622